

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**SHANICQUA SUBER-APONTE,**  
**Plaintiff,**

**CIVIL ACTION**

**v.**

**BOROUGH OF POTTSTOWN, MARK  
FLANDERS, JAMES YOST, CHARLES  
WELLER, RICHARD DRUMHELLER,**  
**Defendants.**

**NO. 15-1314**

**ORDER**

**AND NOW**, this 23rd day September, 2016, upon consideration of Defendants' Motion to Dismiss the Third Amended Complaint (ECF No. 55); Plaintiff's Response in Opposition thereto (ECF No. 58); and Defendants' Reply in Support thereof (ECF No. 81), and for the reasons set forth in the Court's Memorandum of September 23, 2016 (ECF No. 87), **IT IS ORDERED** that Defendants' motion is **GRANTED in part and DENIED in part** as follows:

(1) Defendants' motion is **GRANTED** with respect to the following claims, which are **DISMISSED WITH PREJUDICE**:

- (a) All claims under 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 245, 18 U.S.C. § 1001, 42 U.S.C. § 14141, and 42 U.S.C. § 3789d(c) against all Defendants;
- (b) All Claims under 42 U.S.C. § 1983 against Defendants Drumheller, Flanders, and Weller;
- (c) Claims for intentional infliction of emotional distress (IIED) against Defendants Drumheller, Flanders, and Weller;
- (d) The claim under 42 U.S.C. § 1983 (Ninth Amendment) against the Borough of Pottstown; and
- (e) The claim for negligence against the Borough of Pottstown.

(2) Defendants' motion is **DENIED** with respect to the following claims:

- (a) The claim under 42 U.S.C. § 1983 (Deprivation of rights – Fourteenth Amendment: Equal Protection) against Defendant Yost;

- (b) The claim for intentional infliction of emotional distress (IIED) against Defendant Yost; and
- (c) The claim under 42 U.S.C. § 1983 (First Amendment retaliation) against the Borough of Pottstown.

**BY THE COURT:**

/S/WENDY BEETLESTONE, J.

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**WENDY BEETLESTONE, J.**